

Child Protective Services Joint Investigations of Criminal Conduct Allegations

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Mutual Cooperation

- ❖ The Department of Economic Security shall cooperate with the County Attorney and the appropriate law enforcement agency pursuant to the investigation protocols. A.R.S. § 8-817(C)
- ❖ The County Attorney and the law enforcement agency shall cooperate with the Department pursuant to the investigation protocols. A.R.S. § 8-817(D)

Joint Investigations

Joint investigations by Child Protective Services (CPS) and law enforcement are required for “*criminal conduct allegations*” in accordance with protocols established in each county. A.R.S. §§ 8-304, 802, 817(c)

“Criminal Conduct Allegation” (formerly know as Extremely Serious Conduct Allegation) means an allegation of conduct by a parent, guardian, or custodian of a child that, if true, would constitute any of the following:

- ❖ A violation of A.R.S. § 13-3623 involving child abuse.
- ❖ A felony offense that constitutes domestic violence as defined in A.R.S. § 13-3601.
- ❖ A violation of A.R.S. § 13-1404 or 13-1406 involving a minor.
- ❖ A violation of A.R.S. § 13-1405, 13-1410 or 13-1417.
- ❖ Any other act of abuse that is classified as a felony.

A.R.S. § 8-801(2)

Joint Investigative Protocols

In each county, the County Attorney, in cooperation with the sheriff, the chief law enforcement officer for each municipality and the Department shall adopt and implement protocols: A.R.S. § 8-817 (B)

- ❖ To ensure thorough investigations of those accused of crimes against children, and
- ❖ To guide the conduct of investigations of allegations of criminal conduct.

Joint Investigative Protocols

The Protocols shall include:

1. The process for notification of receipt of criminal conduct allegations.
2. The standards for interdisciplinary investigations of specific types of abuse and neglect, including timely forensic medical evaluations.
3. The standards for interdisciplinary investigations involving Native American children in compliance with the Indian Child Welfare Act.
4. Procedures for sharing information and standards for the timely disclosure of information.
5. Procedures for coordination of screening, response and investigation with other involved professional disciplines and notification of case status and standards for the timely disclosure of related information.
6. The training required for the involved Child Protective Services workers, law enforcement officers and prosecutors to execute the investigation protocols, including forensic interviewing skills.

Joint Investigative Protocols

7. The process to ensure review of, and compliance with, the investigation protocols and the reporting of activity under the protocols.
8. Procedures for an annual report to be transmitted within forty-five days after the end of each fiscal year independently from Child Protective Services and each County Attorney to the Governor, the Speaker of the House of Representatives and the President of the Senate. This report shall be a public document and shall include:
 - a. The number of criminal conduct allegations investigated and how many of these investigations were conducted jointly pursuant to the investigation protocols established in this subsection.
 - b. Information for each County Attorney regarding the number of cases presented for review, the number of persons charged in those cases, the reasons why charges were not pursued and the disposition of these cases.
 - c. The reasons why a joint investigation did not take place.
9. Procedures for dispute resolution.

Statutory Authority of CPS

A.R.S. § 8-802

C. A Child Protective Services worker shall:

1. Promote the safety and protection of children.
2. Accept, screen and assess reports of abuse or neglect:
 - a) Pursuant to § 8-817.
 - b) In Level I residential treatment centers or in Level II or Level III behavioral health residential agencies that are licensed by the Department of Health Services.
3. Receive reports of dependent, abused or abandoned children and be prepared to provide temporary foster care for these children on a twenty-four hour basis.
4. Receive from any source oral or written information regarding a child who may be in need of protective services.

Statutory Authority of CPS

A.R.S. § 8-802, cont.

5. After the receipt of any report or information pursuant to paragraph 2, 3 or 4 of this subsection, immediately do both of the following:
 - a) Notify the municipal or county law enforcement agency.
 - b) Make a prompt and thorough investigation of the nature, extent and cause of any condition that would tend to support or refute the allegation that the child should be adjudicated dependent and the name, age and condition of other children in the home. A **criminal conduct allegation** shall be investigated according to the protocols established pursuant to § 8-817 with the appropriate municipal or county law enforcement agency as provided in § 8-817.
6. Take a child into temporary custody as provided in § 8-821. Law enforcement officers shall cooperate with the Department to remove a child from the custody of the child's parents, guardian or custodian when necessary.

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Statutory Authority of CPS

A.R.S. § 8-821

A child may be taken into temporary custody by a Peace Officer or a Child Protective Services worker if temporary custody is clearly necessary to protect the child because probable cause exists to believe that the child is either:

1. A victim or will imminently become a victim of abuse or neglect.
2. Suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.
3. Physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured. For the purposes of this paragraph, "dangerous drugs" and "narcotic drugs" have the same meaning prescribed in § 13-3401.
4. Reported by Child Protective Services to be a missing child at risk of serious harm.

CPS Joint Investigations

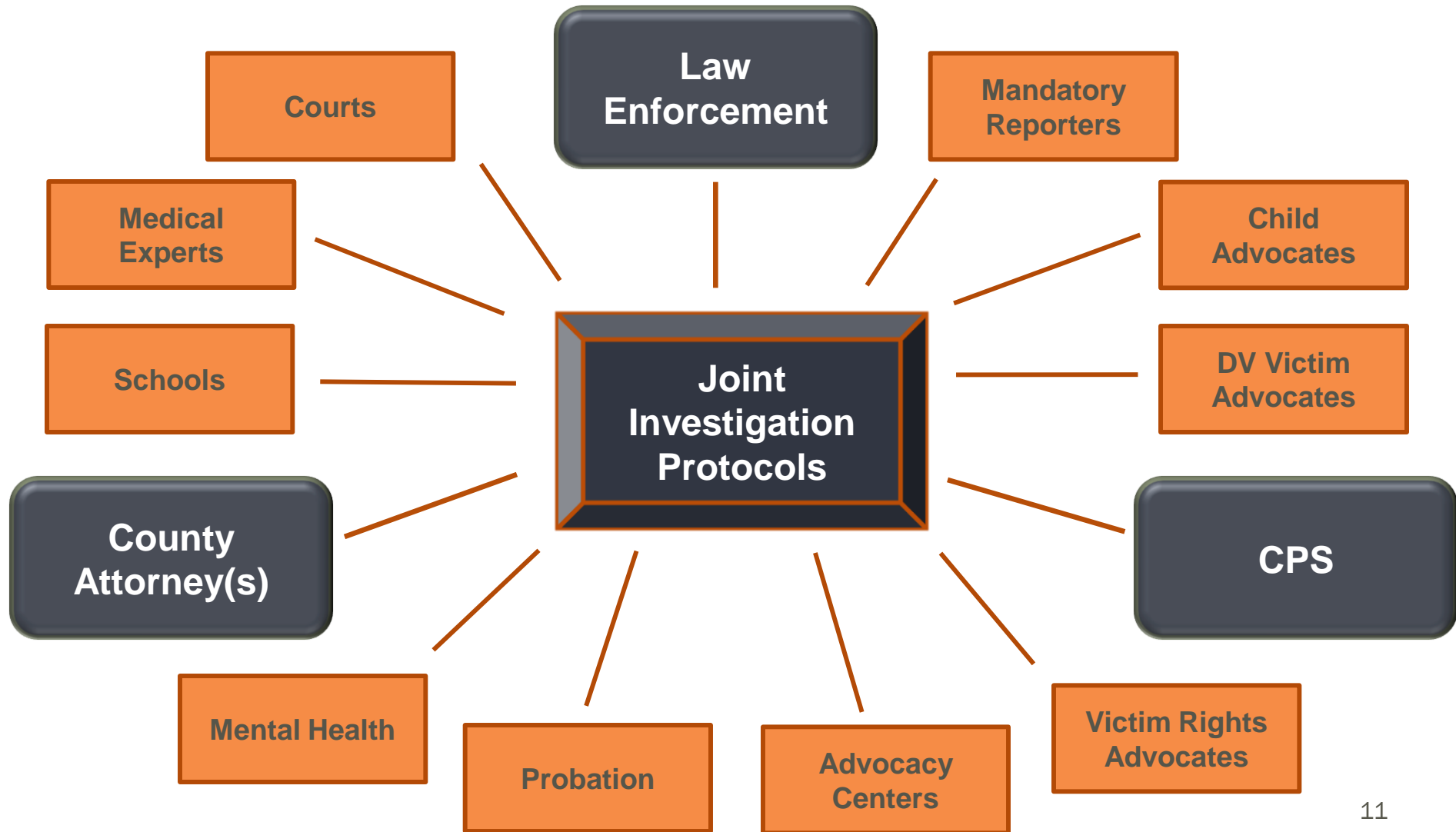
DES Joint Investigations Annual Report

- The Child Abuse Hotline receives approximately 35,000 reports of child abuse and neglect annually .
- During SFY 2011, 2,233 or approximately 6% of these reports contained an allegation of criminal conduct .
- 71% of these criminal conduct reports were jointly investigated by CPS and law enforcement.

Joint investigation of remaining reports did not occur due to reasons such as:

- ☞ Child not available.
- ☞ CPS or law enforcement not available.
- ☞ Criminal conduct occurred in another jurisdiction.
- ☞ At the time of the CPS report, law enforcement did not agree that the allegations met the criminal conduct standard.

Joint Investigations are Multidisciplinary



Purpose of Joint Investigations

Mutual commitments by CPS, Law Enforcement, County Attorneys, Advocacy Centers and Other Signatories (Sept 2008):

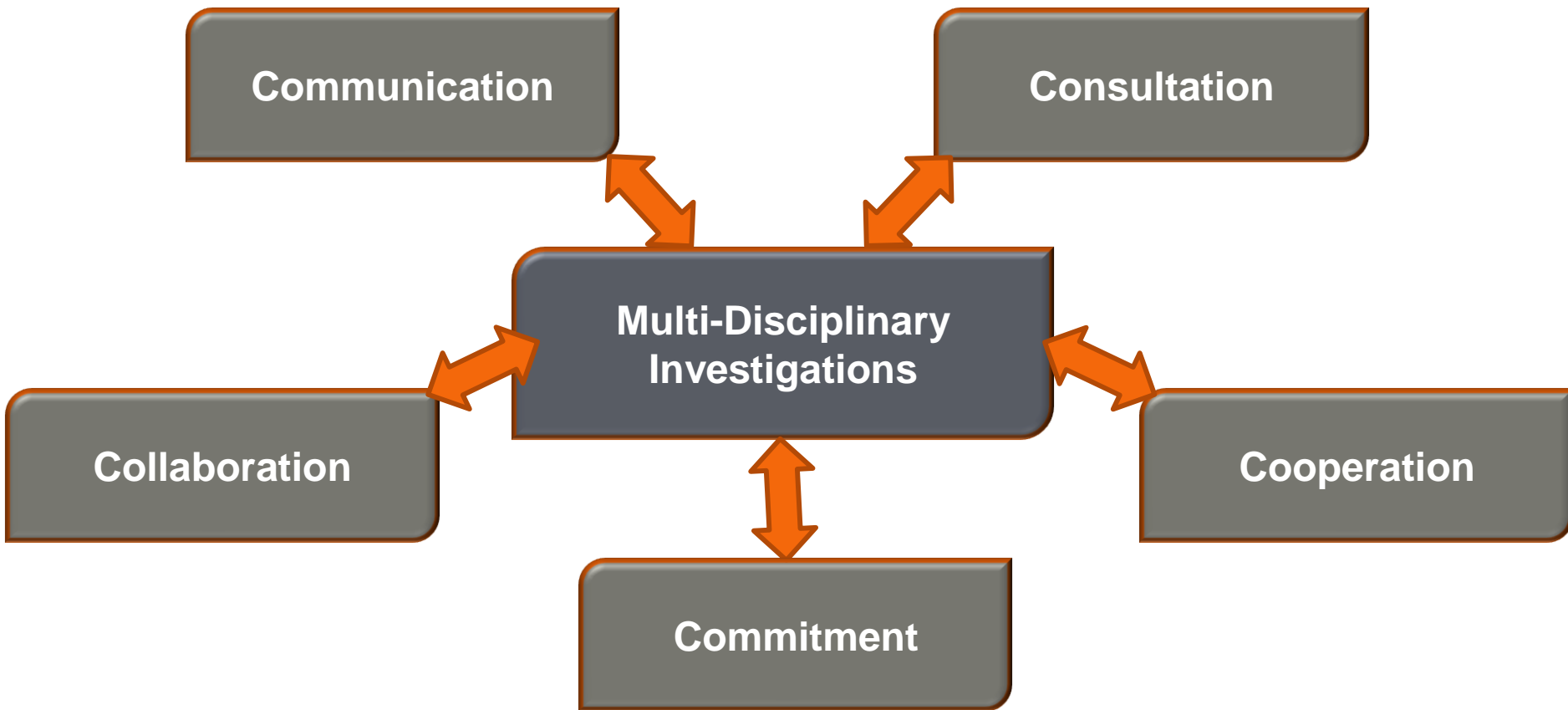
- ✎ Respond to each case in a manner designed to protect the child victim, other potential victims and non-offending family members and witnesses.
- ✎ Shield the child victim from harassment or intimidation.
- ✎ Reduce the trauma to the child victim and other children living in the home.
- ✎ Focus on the needs of the child victim with the safety and well-being of the child being paramount.
- ✎ Fulfill statutory obligations to the child victim and others.
- ✎ Preserve and share evidence consistent with the Joint Investigation Protocols.

Purpose of Joint Investigations

Mutual Commitments, cont:

- ☞ Respect the professional role of each agency, including its operating procedures and mandated response times.
- ☞ Maintain a shared, cooperative approach with ongoing consultation, collaboration and communication in joint investigations.
- ☞ Utilize the Advocacy Centers whenever possible, recognizing their critical role in joint investigations.
- ☞ Train staff regularly on the Joint Investigation Protocols and related matters, including the use of cross training, as appropriate.
- ☞ Meet at least quarterly to conduct case reviews and to discuss process improvements.
- ☞ Fulfill statutory requirements for reporting and record keeping so data is collected and reported consistently.

Keys to Successful Joint Investigations



Joint Investigations

Presenting Challenges:

- ✂ Suspected child abuse or neglect may be reported either to the police or to Child Protective Services (CPS) and both agencies share information with each other. CPS and law enforcement both agree that the safety of the child is paramount; however, CPS maintains a social work focus such as stabilizing the family unit while law enforcement is the criminal investigative agency in the community.
- ✂ While Arizona has the laws and protocols necessary to conduct joint investigations, coordination efforts could be strengthened.
- ✂ County Attorneys, law enforcement administrators and DES administrators should renew their mutual commitment to embrace, to train and to enforce statewide Joint Investigation Protocols.

Joint Investigations

Presenting Opportunities:

- ⌘ While there are 15 counties and multiple law enforcement jurisdictions within each county, joint investigations are successful when there is commitment from across the entire organization – from the Police Chief and Sheriff to the patrol officer; from the DES Director to the CPS Specialist; and from the County Attorney to the prosecutor – to follow the protocol.
- ⌘ Child safety and child protection are larger than any one agency. Joint Investigations require the commitment and resources of an entire system of child protection, including mandated reporters in hospitals and schools and community members.
- ⌘ Joint location of CPS and law enforcement is a best practice model, but all CPS and law enforcement professionals must be cross-trained and share information in order for joint investigations to be successful.
- ⌘ Arizona utilizes its federal Children's Justice Act funds, in part, to fund Children's Justice Coordinators in various counties, many of whom are housed in a Child Advocacy Center. One of the tasks of the coordinator is to provide training on Joint Investigation Protocols.

Joint Investigations

Presenting Opportunities – Specific REPORTING Ideas:

Encourage law enforcement, physicians and other mandated reporters to report all child fatalities involving child maltreatment to CPS even when there are no other children living in the home.

DES has begun work on making its intake processes, including the Child Abuse Hotline, more efficient. One outcome of this work will be to reduce or eliminate wait times for callers to the CPS Hotline.

Joint Investigations

Presenting Opportunities – Specific INVESTIGATIONS Ideas:

Establish a uniform, statewide Joint Investigative Protocol with individual county addendums, as appropriate.

Revise the investigative process to take full advantage of Child and Family Advocacy Centers and create new partnerships with law enforcement where needed.

- ✎ Child safety and criminal investigative decisions will be made side-by-side rather than separately with shared responsibility for decisions made.
- ✎ The scope and capacity of the Child and Family Advocacy Centers may need to be expanded in order to serve these functions.

Joint Investigation Protocols

The Joint Investigative Protocols for each County can be found at:

http://www.childhelpinfocenter.org//index.php?option=com_content&task=view&id=53&Itemid=66